

**PROCEEDINGS OF THE VILLAGE OF FRANKLIN
REGULAR VILLAGE COUNCIL MEETING
MONDAY, FEBRUARY 13, 2006, 8:00 P.M.
32325 FRANKLIN ROAD, FRANKLIN, MICHIGAN**

I. CALL TO ORDER

The meeting was called to order by President Jahnke at 8:13 p.m. at the Franklin Village Hall, Franklin, Michigan.

II. ROLL CALL

Present: Brian Coyer, Randy McElroy, Dominick Schiano, Mark W. Jahnke

Absent: Fred Gallasch, Alan Harnisch, Bill Lamott

Also Present: Jon Stoppels, Administrator
Eileen Pulker, Clerk
Bill Castro, Interim Police Chief
Tom Morrow, Treasurer
John Staran, Village Attorney, Hafeli Staran Hallahan Christ & Dudek, P.C.

III. ADOPTION OF AGENDA

Motion by Schiano supported by Coyer to approve the Agenda as presented and published.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

Motion by Coyer supported by McElroy to excuse Trustees Gallasch, Harnisch and Lamott in their absence from this meeting.

Ayes: Coyer, McElroy, Schiano

Nays: Jahnke

Absent: Gallasch, Harnisch, Lamott

Motion failed.

IV. MINUTES:

A. Regular Meeting of January 9, 2006

Jahnke noted that on page 4, Dan Roberts should be listed as a former Village resident.

Motion by McElroy supported by Schiano to approve the minutes of the Regular Meeting of January 9, 2006, as corrected.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

B. Special Meeting of January 30, 2006

Motion by Coyer supported by McElroy to adopt the minutes prepared which include the questions and answers provided to and by the Police Chief Candidates.

Motion by Coyer supported by McElroy to table the minutes of the Special Village Council meeting of January 30, 2006 until the next regular Village Council meeting.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

V. REPORT OF VILLAGE OFFICERS AND AGENTS

Interim Chief Bill Castro referred Council to his written report and (while it had been a quiet month) noted that there were two felonies to report having occurred in the Village: The first felony was a fraud recently reported at LaSalle Bank (having occurred in 2005), and the second occurrence was a theft from an unlocked vehicle. Castro again reminded Village residents to secure their vehicles if left outside overnight and to either remove their personal items from their vehicles or be certain that the vehicles are locked. Castro also reported that additional attention continues on traffic issues, the bank and the schools due to the increased activities in nearby communities.

Fire Chief Tony Averbuch was unable to attend tonight's meeting due to the fact that he was conducting a training class.

Treasurer Tom Morrow referred Council to his written report and noted that the bills list presented for their approval totaled \$263,724.57; adding that two bills that were paid prior to the meeting were for Cable Board payment (for two quarters) in the amount of \$18,592.16 and the Blue Cross bill in the amount of \$9,390.45. Morrow reported that all the bills as presented were consistent with the approved FY 2005-2006 Budget and that the Village had sufficient funds to meet its obligations. Questions were asked regarding payments to the Mercer Group, Blue Cross (2 checks having been issued in payment) and clarification on each was asked for from staff.

VI. SUBMISSION OF BILLS

Totals:

General Administration	\$ 47,786.59
Building	\$ 19,611.03
Insurance	\$ 41,784.67
Legal	\$ 633.85
Police	\$ 11,669.49
Pressure Sewer	\$ 37,296.88
General Debt Service	\$ 30,201.25
Major Roads	\$ 26,718.75
Local Roads	\$ 27,918.75
Rubbish	\$ 13,781.25
Trust & Agency	\$ 4,400.00
Waste Water	\$ 1,922.06
All Funds	\$263,724.57

Motion by Coyer supported by Schiano to adopt the bills list as presented.

Questions were asked regarding the amounts shown as the totals year to date for Janz & Knight, McKenna Associates, and Keller Thoma; staff was directed to look into each of those yearly totals and provide information back to Council.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

VII. PUBLIC REQUESTS AND COMMENTS

Michael Flevaris of 32663 Franklin Road stated that he first wished to share with the President and those members of Council present the many volunteer services that he had performed for the Village: 1) former Franklin Community Association President and Vice-President; 2) Historic District Study Commission member; 3) Chairman of Downtown Center Enhancement Committee for Master Plan revisions; 4) responsible role in replacing and building new and safer playground in the Village; 5) painted the Gazebo; and 6) planted trees around the baseball diamonds. Flevaris continued stating that was present at the meeting to discuss the fence ordinances as it pertains to 26243 Vincennes and the January 6, 2006 letter he had received from Village Building Official Bill Dinnan. Flevaris added that the letter stated that he had had correspondence regarding the fence ordinance violations, thanking him for his diligence, but at the same time asking Flevaris not to pursue what in his opinion was a flagrant violation of Village ordinances. Flevaris asked three questions: Was this a new fence or not? If it is, what are the set back requirements for a new fence? Why has there been an 18 foot by 2 foot high pile of garbage on his property for three months? Why do the Village Trustees allow paid officials to conduct themselves in such an unprofessional and biased manner? Flevaris asked that he receive a formal apology from the Council or the immediate resignation of the Building Official, adding that the Council should in no way tolerate this behavior.

Jahnke noted that he and the Council had received correspondence from Mr. Flevaris and asked if anyone had any questions or comments.

Stoppels stated that in general day to day practices with building and zoning enforcement issues, the Village staff tries to keep those issues between the complainant resident and the local staff. However, in this instance, Mr. Flevaris had brought the problem to the Village's attention (about which the Village already had knowledge) and has now brought it to the Council's attention. Stoppels, in response, stated that the Vincennes resident had come into the Village office, explaining what fence repairs he intended to do, which would not require a permit or Historic District Commission (HDC) approval. Stoppels added that the resident subsequently replaced the fence and had been asked to provide the necessary permit application and HDC application to have them reviewed for ordinance compliance, in this case after the fact. Stoppels stated that the original fence was an existing non conforming fence (which means if the fence had been built under current ordinances would not have been allowed, but because it had been built previous to current regulations it was "grandfathered" in, and what is known as legally nonconforming). Stoppels noted that Mr. Flevaris was notified that the Village had received the plans to be reviewed. Stoppels stated that the Building Official has completed his review of the plans submitted and has notified the applicant of the many violations in the fence plan, requiring modifications and the possible removal of the fence. Stoppels listed them as follows: the fence is backward (the good side of the fence needs to be to the outside); the fence is a privacy fence in height and in opacity in the setback area (which is not allowed for a privacy fence); the fence does not have HDC approval; does not have Zoning Board of Appeals (ZBA) approval; there is no survey (although in many instances a "mortgage survey would suffice) and the applicant has been requested to provide a licensed surveyors survey, due to the lot line question. Stoppels concluded by stating that the fence that is there is not allowed as it has been placed, the fence must get several approvals, and will most likely be significantly modified in its height and opacity or get moved back, and the debris in the yard has been addressed in writing by the Building Official as well.

Mr. Flevaris stated that he had consulted with Oakland County and the Southfield Township office, having obtained aerial photos of his property depicting property lines that he shared with the Council. Jahnke noted that the Council was not there to review surveys, and as Mr. Flevaris knows an actual survey (not an aerial one) is what the appropriate boards and officials will require. Mr. Flevaris noted that he had not yet received a response in regards to the letter he had received to which Jahnke replied that he would obtain that for Flevaris. In further response, Jahnke stated that surveys and disputes between neighbors regarding boundaries is not within the purview of the Council and when it comes to setbacks, as had been discussed earlier, it will be looked at. Flevaris continued stating that he had not had a problem with the existing fence on his neighbor's property, adding that his major problem is with the inspector being biased, not being up front and being selective about who will be required to obtain a permit and who doesn't. Flevaris opined that he felt that this was ethically unsound and it made the Council look bad to have someone like that working for the Village.

Schiano stated that as he understood it, information had been submitted, when found that the information had changed, then subsequently application and plans had been completed and submitted as required by the building official. Schiano opined that with the facts as they have been presented, that originally the judgement (based on bad facts maybe) now that the work has been done, the only choice left is to require that the appropriate documentation be provided (which it has) and make determinations based on the new facts, and could see no need for punishment.

Flevaris again asked why he had received a letter stating that he had violated a permit he had obtained approval for two years prior and all of a sudden now he has to re-file and that it was not approved, adding the question what does that have to do with the fence.

Schiano replied that maybe it doesn't and maybe that is a separate discussion here.

Flevaris added that the inspector combined the two and he is trying to find out why they were both combined.

Jahnke replied that we would find that out for him.

Charles Whitelaw of 26243 Vincennes stated that he had heard reference to a letter that he should have received from Mr. Dinnan, and he added that he had not received it and would like a copy of it so that he could review the possible violations. Whitelaw added that he had originally attempted to repair his fence, which has been up for 30 or 40 years, but in the process of doing so, the fence fell apart necessitating the replacement of the fence (doing so in the same place, in the same way, the same direction, same type of fence as had been originally there.) Whitelaw stated that the building official had requested that he provide some information, and he had done so. Whitelaw stated that he had not been aware that his neighbor had an issue with him and found it odd that he had to be at a council meeting to hear about it, as he happened to be present at this meeting on another issue.

Harold Stulberg of the Farbman Group representing Jamil Garmo, owner of the property on 13 Mile Road on the West Side of Telegraph, stated that at a previous meeting the consideration of the application for re-zoning had been tabled pending receipt of additional information. Stulberg stated that the additional information had been submitted to the Village three weeks previous and he was asking what the status of the application now was and asked that the application be placed on an agenda in order to move the project forward. Jahnke responded stating that his request would be taken under advisement and addressed with the Village Administrator and the Village Attorney, adding that the usual first threshold the Village has is whether or not we have a complete application and that once that is determined the applicant will be notified.

No other public requests or comments were made.

VIII. SPECIAL REPORTS

A. President's Report, Mark Jahnke, Village President

1. Police Chief Search

Jahnke reported that the Village had received approximately thirty (30) resumés for the Police Chief position and a five member oral board had been conducted, with Bob Hamilton of the Michigan Municipal League assisting, resulting in three (3) candidates to be interviewed by the Council. On January 30, 2006 the Council had interviewed the candidates and a Special Meeting is to be arranged for the selection of the new Police Chief, possibly on January 27, 2006.

Schiano remarked that he had spoken to Trustee Lamott, who shared his view that all Council members should be present for the meeting at which the Police Chief would be chosen. Schiano also stated that he felt that the meeting should be taped by Bloomfield TV so that it may be broadcast on Cable Channel 15, for this is certain to be a meeting that many Villagers would be interested in. McElroy agreed that all members of Council be present and that it should be taped. Coyer remarked that this was such an important question; the accountability to the community would necessitate the televising of the meeting. Coyer continued, noting that with the terms of the contract not yet being completed saw no rush to have the meeting before the next regularly scheduled meeting on March 13, 2006. Coyer opined that there was no reason to schedule a special meeting and respectfully requested that the Police Chief be appointed on March 13, 2006.

B. Gabriel, Roeder, Smith & Company – Retiree Health Care Costs

Jahnke introduced Christian Goodman of Gabriel, Roeder, Smith and Company who reviewed the Actuarial Valuation as of June 30, 2005 of the Village of Franklin Retiree Health Care Plan. Goodman discussed the newer government requirements that necessitate the accounting practices outlined in the study. Goodman explained the various plans outlined in the report that would recommend either a \$250,000 deposit or a payment of approximately \$42,000 each year in an appropriate fund. Goodman opined that the report would need to be updated in the next year or two in order to accurately evaluate the health care costs and employee retirement costs as they may have changed. Discussion ensued regarding the investment plans necessary, which have different requirements than those normally available for municipal investments. In response to questions, Goodman advised that Municipal Employee Retirement System (MERS) has an approved investment vehicle and their regular pension funds have been earning 8% over many years. Questions were raised regarding what funds would be necessary in the next few years to pay for the costs of the health insurance for retirees, and staff was directed to supply Treasurer Morrow with the information available on the possible retirement dates of the current employees.

C. Master Plan Update

Pam Hansen, Planning Commissioner, explained that Chairman Jim Stevens had asked her to stand in for him, reported that the Planning Commission continues its work on the Village's Master Plan that was last updated in 1997. Hansen noted that the Planning is working on an update that will eliminate those goals that are no longer appropriate, and acknowledge the work performed on the last update, the process is taking slightly longer than they had original scheduled. Hansen stated that work continues with a focus group meeting for Central Business owners in the next couple of weeks, the Historic District Commission has been consulted and will continue to provide advice on those areas of the Master Plan sensitive to historic issues. Coyer asked about underground utility lines and what work was being done on that portion of the plan, to which Hansen replied that she would research that and get back to him. Hansen concluded that their next update would probably be available around the end of April or early May.

D. Finance Committee Report

Treasurer Morrow reported that the Finance Committee had met on February 6, 2006 and had discussed the following items:

1. Review of the 1st half of the year, the actual to budget figures were examined, and several budget amendments were discussed that will be presented later in the meeting.
2. Preliminary 5 year Budget was reviewed
3. Auditors for next year.

McElroy and Schiano concurred.

E. Administrator Report, Jon Stoppels, Administrator

1. Tree Planting

Stoppels reported that 120 trees were now planted and that the \$30,000 budgeted had been sufficient. Stoppels added that the \$20,00 grant received will allow for an additional 80 trees to be planted. Mr. Johnson has agreed to extend his bid price for the installation of the additional trees.

2. Preliminary Five Year Budget Plan

Stoppels provided handouts to the Council and explained his revenue and expenditure estimates for the next five years. Stoppels explained that he had prepared similar reports for his own use in the budgeting process prior to this year, and that this report remains a 5 year projection, not a budget to be adopted. Discussion ensued regarding the need to be less aggressive in the revenue stream estimates and possible increases in some areas of expenses.

IX. OLD BUSINESS

A. Consider Draft Police Chief Employment Agreement.

Jahnke stated that the Draft Police Chief Employment Agreement had been provided by Attorney Staran incorporated those suggestions from Stoppels, and himself. Jahnke asked that the rest of the Council forward their suggestions to Staran as soon as possible. Coyer noted that those aspects of the Mercer Report need to be incorporated into the agreement.

X. NEW BUSINESS

A. Consider Demolition Application for the Property at 31700 Nottingham Drive.

Jahnke noted that the Historic District Commission had presented no objections and the building department had confirmed that the application was complete.

#2006-04 Motion by Schiano supported by McElroy to approve the application for demolition for the property located at 31700 Nottingham Drive, with the usual bonds and requirements of the building official to apply.

Questions were asked regarding the tree permitting information included in the packet, and Stoppels advised that that would be considered in the process of reviewing the building plan for the new structure being proposed.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

B. Consider Amending Fiscal year 2005-2006 Adopted Budget.

Jahnke stated that the proposed amendments were to be reviewed further and upon revision would again be presented for consideration.

XI. PROCLAMATIONS/RESOLUTIONS/ORDINANCES

A. Consider MERS Resolution for Changing MERS Benefit.

Stoppels explained that while the new contract between the Police Officer's Association of Michigan (POAM) states the date of the inception of the E-2 clause is changed from the original 12/31/2005 date to 1/1/2006 as required by Municipal Employee Retirement System (MERS), however, the attached resolution (attachment #1) is required by MERS for the date change:

#2006-05 Motion by Coyer supported by Schiano to approve the Resolution as provided by MERS (attachment #1) changing the inception date of the E-2 clause from 12/31/2005 to 1/1/2006, as designated in the new contract between the Village and POAM effective 1/1/2006.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

B. Consider Resolution for Alliance of Rouge Communities By-Laws.

#2006- 06 Motion by Coyer supported by McElroy to adopt the following resolution and to indicate within the resolution that the alternate representative for the Village with the Rouge Alliance is to be Trustee Coyer:

WHEREAS thirty-eight cities, villages and townships and three counties signed an August 15, 2003, Memorandum of Agreement as an interim step to establish a permanent mechanism for communities in the Rouge Rive watershed to cooperatively meet state storm water discharge permit requirements, satisfy the U.S. District Court's concerns about the river, and encourage restoration of river benefits for residents of the watershed.

WHEREAS after two years of successful operation of the interim Assembly of Rouge Communities, the members recommended state legislation that would provide formal recognition to communities that chose to volunteer to join collaborative efforts to meet state and federal storm water discharge requirements, and cooperatively develop watershed plans to enhance the management of a river.

WHEREAS Watershed Alliance legislation passed the Michigan House of Representatives and the Michigan Senate and was signed into law by the Governor on January 3, 2005, as Act No. 517, Public Acts of 2004, based upon a draft provided and supported by the Rouge River watershed communities.

WHEREAS at its meeting on June 8, 2005, the Assembly of Rouge Communities under this new state law will provide the public agencies within the water shed the authority to directly seek grants, enter into contracts, and manage its own resources that have been provided in the past by and through Wayne County with federal funds as part of the Rouge River National Wet Weather Demonstration.

THEREFORE BE IT RESOLVED that the Village of Franklin Village Council formally adopts bylaws for, and accepts membership in the Alliance of Rouge Communities.

FURTHER BE IT RESOLVED that consistent with the terms of the Alliance of Rouge Communities bylaws, the Village of Franklin Village Council formally appoints the Village Administrator as its designated representative to the Alliance of Rouge Communities, Trustee Brian Coyer as the alternate representative, and authorizes the Village Administrator to designate

additional persons to represent the Village of Franklin, if needed, as an alternate to assure voting representation.

FINALLY, BE IT RESOLVED that The Village of Franklin continuing membership will be evidenced by payment of its voluntary assessment on an annual basis to the Alliance of Rouge Communities.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

C. Consider the Ordinance to Approve the Editing and Inclusion of Certain Ordinances and a Resolution as Parts of the Codified Ordinances (first reading).

#2006-07 Motion by Schiano supported by McElroy to adopt, in its first reading, as follows:

An Ordinance to Approve the Editing and Inclusion of certain Ordinances and A resolution as Parts of the Codified Ordinances.

WHEREAS, American legal Publishing has completed its annual updating of the Codified Ordinances of the Village; and

WHEREAS, various ordinances and resolutions of a general and permanent nature have been passed by Council since the date of the last updating of the Codified Ordinances (June 14, 2004) and have been included in the Codified Ordinances of the Village NOW, THEREFORE:

THE VILLAGE OF FRANKLIN ORDAINS:

Section 1. The editing, arrangement and numbering or renumbering of the following ordinances are hereby approved as parts of the Codified Ordinances of the Village, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. or Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
Res. 2004-80	9-13-04	216.01
2004-04	12-13-04	1240.07, 1265.01 to 1265.06
2005-01	1-10-05	1248.01, 1250.01, 1250.02, 1250.05, Part 12, Title 4, Appx. B
2005-02	1-10-05	T.S.O. I
2005-03	1-10-05	T.S.O. I
2005-04	1-10-05	T.S.O. I
2005-05	1-10-05	1240.07, 1268.17, Part 12, Title 4, Appx. B
2005-06	1-10-05	T.S.O. I
2005-08	4-11-05	1042.20
2005-09	6-13-05	1042.13

Section 2. This ordinance is hereby declared to have been adopted by the Village of Franklin Council at a regular meeting duly called and held on the _____ day of March, 2006, and ordered to be given effect upon passage and publication as mandated by Charter and statute.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

Coyer noting one item not on the Agenda, congratulated Administrator Jon Stoppels on his nuptials, having occurred on February 1, 2006. Stoppels thanked the Council noting that his new wife's name is Barbara McKessy.

XII. ADJOURNMENT

Motion by Coyer supported by Schiano to adjourn.

Ayes: Coyer, McElroy, Schiano, Jahnke

Nays: None

Absent: Gallasch, Harnisch, Lamott

Motion carried.

There being no further business, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Eileen H. Pulker, Clerk

Mark W. Jahnke, President